

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE APRIL 6, 2011

SENATE BILL

No. 774

**Introduced by Senator Hancock
(Coauthor: Senator Lowenthal)**

February 18, 2011

An act to amend ~~Section 76360~~ *Sections 76360 and 76361* of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 774, as amended, Hancock. Public postsecondary education: parking fees.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes the governing board of each district to impose various fees, including maximum fees for parking *and transportation* services. *Existing law requires the transportation services fee limit to be annually increased, as specified.*

This bill would raise the maximum parking services fee limits, as specified, and authorize the governing board of each community college district to annually increase the *parking and transportation services* fee limits by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchases of Goods and Services published by the United States Department of Commerce.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76360 of the Education Code is amended
2 to read:
3 76360. (a) (1) The governing board of a community college
4 district may require students in attendance and employees of the
5 district to pay a fee, in an amount, not to exceed fifty dollars (\$50)
6 per semester and twenty-five dollars (\$25) per intersession, to be
7 established by the board, for parking services. The fee shall only
8 be required of students and employees using parking services and
9 shall not exceed the actual cost of providing parking services.
10 (2) To encourage ridesharing and carpooling, the fee shall not
11 exceed thirty-five dollars (\$35) per semester and fifteen dollars
12 (\$15) per intersession for a student who certifies, in accordance
13 with procedures established by the board, that he or she regularly
14 has two or more passengers commuting to the community college
15 with him or her in the vehicle parked at the community college.
16 (3) The governing board of each community college district
17 may increase the fee limits imposed by this subdivision by the
18 same percentage increase as the Implicit Price Deflator for State
19 and Local Government Purchases of Goods and Services published
20 by the United States Department of Commerce. The fees may be
21 increased annually up to the next whole dollar increment above
22 the existing fee limit that calculation produces.
23 (b) (1) The governing board may require payment of a parking
24 fee at a campus in excess of the limits set forth in subdivision (a)
25 for the purpose of funding the construction of on-campus parking
26 facilities if both of the following conditions exist at the campus:
27 (A) The full-time equivalent *student* (FTES) per parking space
28 on the campus exceeds the statewide average FTES per parking
29 space on community college campuses.
30 (B) The market price per square foot of land adjacent to the
31 campus exceeds the statewide average market price per square
32 foot of land adjacent to community college campuses.
33 (2) If the governing board requires payment of a parking fee in
34 excess of the limits set forth in subdivision (a), the fee may not
35 exceed the actual cost of constructing a parking structure.

1 (c) Students who receive financial assistance pursuant to any
2 programs described in subdivision (g) of Section 76300 shall be
3 exempt from parking fees imposed pursuant to this section that
4 exceed thirty dollars (\$30) per semester.

5 (d) The governing board of a community college district may
6 also require the payment of a fee, to be established by the
7 governing board, for the use of parking services by persons other
8 than students and employees.

9 (e) All parking fees collected shall be deposited in the designated
10 fund of the district in accordance with the California Community
11 Colleges Budget and Accounting Manual, and shall be expended
12 only for parking services or for purposes of reducing the costs to
13 students and employees of the college of using public transportation
14 to and from the college.

15 (f) Fees collected for use of parking services provided for by
16 investment of student body funds under the authority of Section
17 76064 shall be deposited in a designated fund in accordance with
18 the California Community Colleges Budget and Accounting
19 Manual for repayment to the student organization.

20 (g) "Parking services," as used in this section, means the
21 purchase, construction, and operation and maintenance of parking
22 facilities for vehicles and motor vehicles as defined by Sections
23 415 and 670 of the Vehicle Code.

24 SEC. 2. *Section 76361 of the Education Code is amended to*
25 *read:*

26 76361. (a) The governing board of a community college district
27 may require students in attendance and employees at a campus of
28 the district to pay a fee for purposes of partially or fully recovering
29 transportation costs incurred by the district or of reducing fares
30 for services provided by common carriers or municipally owned
31 transit systems to these students and employees.

32 (b) Fees authorized by subdivision (a) for transportation services
33 may be required to be paid only by students and employees using
34 the services, or, in the alternative, by any of the following groups
35 of people:

36 (1) Upon the favorable vote of a majority of the students and a
37 majority of the employees of a campus of the district, who voted
38 at an election on the question of whether or not the governing
39 board should require all students and employees at the campus to
40 pay a fee for transportation services for a period of time to be

1 determined by the governing board of the district, the fees may be
2 required to be paid by all students, other than those students who
3 are exempt from the fees pursuant to subdivision (c), and all
4 employees of the campus of the community college district.

5 (2) Upon the favorable vote of a majority of the students at a
6 campus of the district, who voted at an election on the question of
7 whether or not the governing board should require all students to
8 pay a fee for transportation services for a period of time to be
9 determined by the governing board of the district, the fees may be
10 required to be paid by all students, other than those students who
11 are exempt from the fees pursuant to subdivision (c), at the campus
12 of the community college district. However, the employees shall
13 not be entitled to use the services.

14 (3) Upon the favorable vote of a majority of the students at a
15 campus of the district taking a specified number of course credits
16 for a specified duration, to be determined by the governing board,
17 who voted at an election on the question of whether or not the
18 governing board should require all students taking that prescribed
19 number of course credits to pay a fee for transportation services
20 for a period of time to be determined by the governing board of
21 the district, the fees may be required to be paid by those students
22 taking the prescribed number of course credits, except those
23 students who are exempt from the fees pursuant to subdivision (c),
24 at the campus of the community college district. However, the
25 employees shall not be entitled to use the services.

26 (c) If a fee is required of students for transportation services
27 pursuant to paragraph (1) or (2) of subdivision (b), the fee required
28 of a part-time student shall be a pro rata lesser amount than the
29 fee charged to full-time students, depending on the number of units
30 for which the part-time student is enrolled. Notwithstanding any
31 other law, the governing board of a community college district
32 that provides for transportation services may adopt rules and
33 regulations to exempt low-income students from this fee, or to
34 require low-income students to pay all or part of this fee.

35 (d) Notwithstanding any other law:

36 (1) The governing board of a community college district to
37 which this section applies shall not enter into, or extend, a contract
38 for transportation services provided by a common carrier or a
39 municipally owned transit system, funded by the proceeds of a fee
40 authorized under this section, unless and until a majority of the

1 students of that district who vote in an election, held no more than
2 10 years prior to the date of the expiration of the contract proposed
3 to be entered into or no more than 10 years prior to the date to
4 which it is proposed that an existing contract be extended, have
5 approved the payment of the fee for this purpose.

6 (2) An election held pursuant to this section shall be held in
7 accordance with regulations adopted by the board of governors to
8 ensure that the election is publicly noticed and that all students,
9 including full-time, part-time, evening, and weekend students,
10 have an opportunity to vote in the election.

11 (3) If the governing board of a community college district
12 decides to seek to terminate or alter the arrangements under which
13 the district receives transportation services from a common carrier
14 or municipally owned transit system, the governing board shall
15 provide at least 12 months' notice of that intention to the provider
16 of transportation services.

17 (e) (1) The total fees to be established periodically by the
18 governing board pursuant to this section shall not exceed the
19 amount necessary to reimburse the district for transportation costs
20 incurred by the district in providing the transportation service. The
21 sum of the fee authorized pursuant to this section for transportation
22 services and the fee authorized pursuant to Section 76360 for
23 parking services shall not exceed seventy dollars (\$70) per semester
24 or thirty-five dollars (\$35) per intersession, or the proportionate
25 equivalent for part-time enrollment.

26 (2) ~~The fee limit governing board of each community college~~
27 ~~district may increase the fee limits imposed by this subdivision~~
28 ~~shall increase annually~~ by the same percentage increase as the
29 Implicit Price Deflator for State and Local Government Purchases
30 of Goods and Services published by the United States Department
31 of Commerce. *The fees may be increased annually up to the next*
32 *whole dollar increment above the existing fee limit that calculation*
33 *produces.*

34 (f) The governing board of a community college district also
35 may require the payment of a fee, to be fixed by the governing
36 board, for the use of transportation services by persons other than
37 students and employees.

38 (g) This section does not apply to, and a fee shall not be charged
39 for, on-campus shuttles or other transportation services operated

- 1 on a campus or between the campus and parking facilities owned
- 2 by the district.

O